

1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Robert M. GOODMAN *et al.*

Appl. No.: 09/447,505

Filed: November 23, 1999

For: Molecular Farming

Art Unit: 1638

Examiner: Cynthia E. Collins

Atty. Docket: 16518.076



RECEIVED

JUL 22 2002

OFFICE OF PETITIONS

**Petition for Revival of an Unintentionally Abandoned
Patent Application Under 37 C.F.R. § 1.137(b)**

Commissioner for Patents
Washington, D.C. 20231

Attn: Box DAC

Sir:

Applicants petition for revival of the above-captioned application under 37 C.F.R. § 1.137(b). Enclosed is check number 9203126 in the amount of \$1280.00. A duplicate copy of this petition is enclosed.

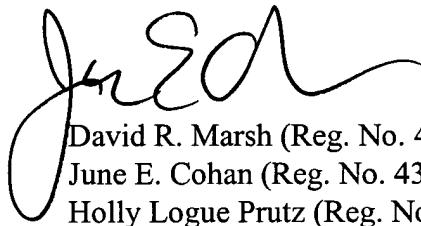
On November 23, 1999, the above-captioned application was filed with a Revocation and Appointment of New Power of Attorney (Exhibit A) which directed official correspondence to be sent to Applicants' representative, Rae-Venter Law Group, P.C. in Palo Alto, CA. On May 15, 2001, a new Power of Attorney was filed, and on June 14, 2001, a Notice (Exhibit B) accepting the Power of Attorney and changing the correspondence address to the Assignee, Calgene LLC in Davis, CA, was mailed to the Assignee. Then, on January 7, 2002, a Notice of Abandonment (Exhibit C) was mailed to the Assignee. The Notice alleged that Applicants had not responded to an Office Action mailed on March 20, 2001; however, neither Applicants nor their authorized representatives had received the referenced Office Action. Subsequently, the

U.S. Patent and Trademark Office was contacted by the Assignee, and it was discovered that the Office Action mailed on March 20, 2001 (Exhibit D) was sent to attorneys who were not representing Applicants or the Assignee.

In light of the above, Applicants assert that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(b) was unintentional and respectfully request that the application be revived. Furthermore, Applicants respectfully submit the accompanying Response to Restriction Requirement.

Applicants do not believe any fees other than the petition fee are required; however, should any fees be deemed necessary, Applicants hereby authorize the Commissioner to charge any fee deficiency and/or credit any overpayment to our Deposit Account No. 50-1824, referencing matter no. 16518.076.

Respectfully submitted,



David R. Marsh (Reg. No. 41,408)
June E. Cohan (Reg. No. 43,741)
Holly Logue Prutz (Reg. No. 47,755)

Date: July 18, 2002

ARNOLD & PORTER
555 Twelfth Street, N.W.
Washington, DC 20004-1206
(202) 942-5000 telephone
(202) 942-5999 facsimile